

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MB Docket No. 03-181
Table of Allotments,)	RM-10758
FM Broadcast Stations.)	RM-11123
(Weatherford, Blanchard, Elmore City,)	
and Wynnewood, Oklahoma))	

**REPORT AND ORDER
(Proceeding Terminated)**

Adopted: January 5, 2005

Released: January 10, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division of the Media Bureau has before it for consideration the *Notice of Proposed Rulemaking*¹ proposing changes in the FM Table of Allotments, 47 C.F.R. § 73.202(b). In response to a petition filed by Wright Broadcasting Systems, Inc. ("Wright"), licensee of Station KWEY-FM, Channel 247C1, Weatherford, Oklahoma, the *Notice* proposes to change the community of license for KWEY-FM from Weatherford to Blanchard, Oklahoma, and to change the corresponding channel allotment from Channel 247C1 to Channel 247A. Wright's request was filed pursuant to the provisions of Section 1.420(i) of the Commission's Rules, which permits the modification of a station's authorization to specify a new community of license without affording other interested parties the opportunity to file competing expressions of interest in the proposed allotment. Wright represents that if its request is granted, it will file an application to modify the facilities of KWEY-FM to specify operation on Channel 247A and to change its community of license to Blanchard, Oklahoma. Wright filed comments supporting the changes proposed in the *Notice*.

2. Charles Crawford ("Crawford") filed a counterproposal, proposing the allotment of Channel 283A to Elmore City, Oklahoma, in lieu of Channel 247A to Blanchard, Oklahoma. In order to accommodate the allotment at Elmore City, Crawford proposes that the vacant allotment at Wynnewood, Oklahoma, be changed from Channel 283A to Channel 247A. Crawford asserts that his counterproposal should be preferred because it would provide a first local service to Elmore City. Wright filed reply comments, responding to Crawford's counterproposal.

3. In determining whether to approve a change of community, we compare the existing versus the proposed arrangement of allotments using the FM allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*.² We apply the same priorities in selecting from among competing allotment

¹ *Weatherford and Blanchard, Oklahoma*, 18 FCC Rcd 15,908 (MB 2003) ("Notice").

² 90 FCC 2d 88 (1982), *recon. denied*, 56 RR 2d 448 (1983). The FM allotment priorities are: (1) first full-time aural service; (2) second full-time aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3).

proposals. Retention of Channel 247C1 at Weatherford would satisfy only the fourth allotment priority, “other public interest matters,” whereas both Wright’s change of community proposal and Crawford’s counterproposal satisfy the third allotment priority, “first local service.” We therefore shall compare the populations of Blanchard and Elmore City in making our decision.³

4. Blanchard, with a population of 2,826 persons, has a significantly larger population than Elmore City, with a population of 756 persons. Moreover, the reallocation of Channel 247A at Blanchard would result in a net gain in service to 78,547 persons, whereas allotment of Channel 283A at Elmore City would provide an additional service to 13,184 persons in an area that is already well-served.⁴ Both on the basis of the populations of the respective communities and the number of additional persons served under each proposal, the proposed reallocation at Blanchard should be preferred.⁵

5. For all of the foregoing reasons, we conclude that the public interest would be served by substituting Channel 247A for Channel 247C1 at Weatherford, Oklahoma, and reallocating Channel 247A at Blanchard, Oklahoma. Channel 247A can be allotted at Blanchard in compliance with the minimum distance separation requirements of the Commission’s Rules with a site restriction of 2.1 kilometers (1.3 miles) southwest of Blanchard at reference coordinates of: 35-07-21 NL and 97-40-18 WL.

6. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the General Accounting Office pursuant to the Congressional Review Act, *see* 5 U.S.C. §801(a)(a)(A).

7. Accordingly, pursuant to the authority found in 47 U.S.C. Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b), and 47 C.F.R. Sections 0.61, 0.204(b), 0.283, and 1.420(i), IT IS ORDERED, That effective February 25, 2005, the FM Table of Allotments, 47 C.F.R. Section 73.202(b), IS AMENDED, with respect to the communities listed below, to read as follows:

<u>Community</u>	<u>Channel Number</u>
Blanchard, Oklahoma	247A
Weatherford, Oklahoma	286A

³ See *Revision of FM Assignment Policies and Procedures*, *supra*; and *Elberton and Lavonia, Georgia*, 15 FCC Rcd 12571 (2000).

⁴ Although Crawford asserts that Elmore City is an underserved community receiving only one FM service, our engineering analysis indicates that the entire proposed service area for Channel 283A, consisting of an area of 2,516 square kilometers, currently receives five or more aural services.

⁵ After the reallocation, 1,296 persons in an area of 548 square kilometers will be left with only four reception services. We conclude that the provision of a first local service to Blanchard, coupled with a significant increase in the number of persons served, more than outweighs the loss of a fifth transmission service to a comparatively small number of persons in the loss area at Weatherford.

8. IT IS FURTHER ORDERED, That pursuant to 47 U.S.C. Section 316(a), the license of Wright Broadcasting Systems, Inc., for Station KWEY-FM, Channel 247C1, Weatherford, Oklahoma, IS MODIFIED to specify operation on Channel 247A at Blanchard, Oklahoma, subject to the following conditions:

(a) Within 90 days of the effective date of this *Order*, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;

(b) Upon grant of the construction permit, program tests may be conducted in accordance with 47 C.F.R. Section 73.1620; and

(c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to 47 C.F.R. Section 1.1307, unless the proposed facilities are categorically excluded from environmental processing.

9. Pursuant to 47 C.F.R. Section 1.1104(1)(k) and (3)(l), any party seeking a change in community of license of a TV or FM allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Wright Broadcasting Systems, Inc., licensee of Station KWEY-FM, is required to submit a rule making fee in addition to the fee required for the applications to effectuate the changes specified above.

10. IT IS FURTHER ORDERED, That the Secretary of the Commission shall send by Certified Mail Return Receipt Requested, a copy of this Order to the following:

John C. Trent
Putbrese Hunsaker & Trent, P.C.
100 Carpenter Drive, Suite 100
Post Office Box 217
Sterling, Virginia 20167-0217

Charles Crawford
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Gene A. Bechtel
Law Offices of Gene Bechtel
1050 17th Street, N.W., Suite 600
Washington, D.C. 20036

11. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

12. For further information concerning this proceeding, contact Deborah Dupont, Media Bureau, (202) 418-7072.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief, Audio Division
Media Bureau